

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 129, As Amended in the Senate

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO DAYCARE; AMENDING SECTION 39-1107, IDAHO CODE, TO REVISE CERTAIN FEES; AMENDING SECTION 39-1108, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PERMIT CERTAIN COUNTING IN DETERMINING CERTAIN RATIOS; AND AMENDING SECTION 39-1109, IDAHO CODE, TO REVISE STAFFING REQUIREMENTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-1107, Idaho Code, be, and the same is hereby amended to read as follows:

39-1107. FEES. (1) The department shall establish by rule the maximum total fee to be assessed for a basic daycare license which shall not exceed ~~one three~~ two hundred fifty dollars (\$~~173~~250) for daycare centers with more than twenty-five (25) children in attendance at any given time, two hundred fifty dollars (\$250) for daycare centers with thirteen (13) to twenty-five (25) children in attendance at any given time and one hundred dollars (\$100) for group daycare facilities. Criminal history background check fees shall be in addition, but at actual cost. No other fees shall be charged for each license period. The department may allocate the fees to daycare licensing administration costs as it deems appropriate.

(2) The department is authorized to utilize Idaho child care program funds as otherwise allowed by law to pay for the costs associated with ~~certification and~~ licensing of daycare facilities to the extent that fees collected from the facilities do not fully cover such costs. It is the intent of the legislature that licensing fees and Idaho child care program funds shall fully fund daycare facility licensing administration.

SECTION 2. That Section 39-1108, Idaho Code, be, and the same is hereby amended to read as follows:

39-1108. LOCAL OPTION. (1) If a city or county, within its respective jurisdiction, has adopted an ordinance for regulation and/or licensing of daycare services, then the provisions of this chapter shall not apply with such city or county unless the ordinance is subsequently repealed. To qualify for exemption, regulation of centers must include a criminal history background check at least as stringent as the check required in section 39-1105, Idaho Code, compliance with safety standards at least as stringent as required in section 39-1109, Idaho Code, compliance with health standards at least as stringent as required in section 39-1110, Idaho Code, compliance with immunization requirements at least as stringent as required in section 39-1118, Idaho Code, and compliance with training requirements at least as stringent as required in section 39-1119, Idaho Code. Cities and counties are hereby granted authority and may adopt ordinances for regulation and/or licensing of daycare services.

(2) For purposes of determining whether or not local options are more stringent than as required in section 39-1109, Idaho Code, a city or county within its respective jurisdiction may, but is not required to, count a child or children of a provider for purposes of determining child:staff ratios.

SECTION 3. That Section 39-1109, Idaho Code, be, and the same is hereby amended to read as follows:

39-1109. SAFETY STANDARDS. (1) Daycare facilities, owners and operators shall comply with the following safety standards in the area of the daycare facility in which daycare is provided:

- (a) Adequate fire and smoke alarms;
- (b) A functional telephone located on the daycare premises during the hours of operation;
- (c) Adequate fire extinguishers;
- (d) Adequate exits;
- (e) Firearms or other weapons which are stored on the premises of a daycare facility must be kept in a locked container that is inaccessible to children while daycare attendees are present;
- (f) Pools, hot tubs, ponds and other bodies of water that are on the daycare facility premises must provide the following safeguards:

- (i) The area surrounding the body of water must be fenced and locked in a manner that prevents access by children and meets the following requirements:

- 1. The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, surround all sides of the pool and have a gate that is self-closing and that has a self-latching mechanism in proper working order out of the reach of young children;

- 2. If the house forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the door is opened;

- 3. Furniture or other large objects must not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool; and

- (ii) If the area surrounding a pool, hot tub, pond or other body of water is not fenced and locked, there must be a secured protective covering that will not allow access by a child;

- (iii) Wading pools must be empty when not in use;

- (iv) Children must be under direct supervision of ~~an~~ at least one (1) adult employee while using a pool, hot tub, pond or other body of water; and

- (v) A minimum of a four (4) foot high fence must be present that prevents access from the daycare facility premises if the daycare premises are adjacent to a body of water; and

- (g) The owner or operator of a daycare facility shall ensure that at all times when a child or children are present, at least one (1) adult

1 employee on the premises has current certification in pediatric rescue
 2 breathing and first-aid treatment from a certified instructor.

3 (2) No fire standards developed pursuant to this chapter shall be more
 4 stringent than the standards contained in the International Fire Code, as
 5 adopted by Idaho.

6 (3) ~~An~~ At least one (1) adult employee must be present at all times
 7 ~~during business hours on the daycare facility premises when a child or chil-~~
 8 ~~dren are in attendance.~~

9 (4) ~~(a) In addition to the safety standards identified in subsection~~
 10 ~~(1) of this section, safety standards shall be established by the de-~~
 11 ~~partment to govern t~~The maximum allowable child:staff ratio of children
 12 ~~to staff subject to shall be a maximum of twelve (12) points per staff~~
 13 ~~member using the following restrictions point system:~~

14 ~~(ai) In no event shall the child-staff ratio require more than one~~
 15 ~~(1) staff member to six (6) children for all children age twenty-~~
 16 ~~four (24) months or less; more than one (1) staff member to eight~~
 17 ~~(8) children for all children above age twenty-four (24) months~~
 18 ~~but less than three (3) years; more than one (1) staff member to~~
 19 ~~ten (10) children for all children age three (3) years but less~~
 20 ~~than four (4) years; more than one (1) staff member to twelve (12)~~
 21 ~~children for all children age four (4) years but less than five (5)~~
 22 ~~years; and more than one (1) staff member to eighteen (18) chil-~~
 23 ~~dren for all children whose age is five (5) years or more. The max-~~
 24 ~~imum group size for all groups shall not exceed twice the number~~
 25 ~~of children allowed for a single staff member~~ Each child in atten-
 26 dance under the age of twenty-four (24) months shall equal two (2)
 27 points.

28 (ii) Each child in attendance from twenty-four (24) months to
 29 under thirty-six (36) months of age shall equal one and one-half
 30 (1 1/2) points.

31 (iii) Each child in attendance from thirty-six (36) months to un-
 32 der five (5) years of age shall equal one (1) point.

33 (iv) Each child in attendance from five (5) years to under thir-
 34 teen (13) years of age shall equal one-half (1/2) point.

~~Number of Children Allowed and Maximum Group Size Table~~

		Children:		Children:	
		above		Children:	
		twenty-		Children:	
Number of required staff	Children:	four (24)	Children:	four	
	birth	months	three (3)	(4) years	
	to	but	years	but less	
	twenty-	less than	but	than	Children:
Maximum group size	four	three	less than	five	five (5)
	(24)	(3)	four	(5)	years or
	months	years	(4) years	years	more
	1	6	8	10	12
Maximum group size	2	12	16	20	24
	12	16	20	24	36
	12	16	20	24	36
	12	16	20	24	36

(b) ~~The maximum ratio of children to staff in mixed age groups shall be determined by the age of the youngest child in attendance.~~

(c) ~~All adults providing direct supervision to the children shall be counted as staff for purposes of computing a child-staff ratio. Employees sixteen (16) and seventeen (17) years of age under the supervision of an adult employee, when providing direct supervision to children, may be counted as staff for the purposes of computing the child-staff ratio.~~

(d) ~~Each child in attendance shall count as one (1) child be counted by the department for purposes of computing a child-staff ratio calculating maximum allowable points, counting the number of children in attendance and for determining compliance with child:staff ratios.~~

(e) ~~Daycare facilities shall have a maximum allowable child-staff ratio based on the age of the children in attendance. The maximum group size is twelve (12) children. If more than two (2) children are in attendance under the age of two (2) years, the maximum group size shall be ten (10) children. If three (3) or more children under the age of two (2) years are in attendance, the maximum group size shall be nine (9) children.~~

~~Daycare Facility Ratio and Maximum Group Size Table~~

		No more than	Three (3) or more
	No children under	two (2) children	children under
	the age	under the age	the age
	of	of	of
	two (2) years	two (2) years	two (2) years
Maximum group	12	10	9
size			

~~(f) Family daycare homes shall not provide daycare services for more than six (6) children at a time.~~